



Entered on Docket
November 15, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**AMENDED ORDER SUSTAINING
FOURTH OMNIBUS OBJECTION OF
USACM TRUST TO PROOFS OF
CLAIM BASED IN PART UPON
INVESTMENT IN THE MARLTON
SQUARE (SECOND) DEVELOPERS
LOAN (AMENDED TO INCLUDE
EXHIBIT A)**

Hearing Date: September 30, 2011
Hearing Time: 9:30 a.m.

The Court having considered the "Fourth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Part Upon Investment in The Marlton Square (Second) Developers Loan ("Marlton Square (Second) Developers Loan") [DE 8807] (the "Objection"); the Court having heard the Objection on September 30, 2011; appropriate

1 notice of the Objection having been given; no response to the Objection having been filed;
2 the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does
3 not affect the direct lenders' right to repayment by the borrower or from the collateral
4 securing the Marlton Square (Second) Developers Loan; and good cause appearing:

5 **IT IS ORDERED** that:

- 6 1. The Objection [DE 8807] is sustained; and
7 2. The claims listed on **Exhibit A** attached are disallowed to the extent those
8 claims are based upon an investment in the Marlton Square (Second) Developers Loan.
9

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**
12

13 By /s/ John Hinderaker (AZ #018024)

14 Robert M. Charles, Jr.

15 John Hinderaker (*pro hac vice*)

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20 *Attorneys for USACM Liquidating Trust*
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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

| | |
|---|---|
| U.S. Trustee: <u>Augie Landis</u> | |
| <input type="checkbox"/> approved the form of this order | <input type="checkbox"/> disapproved the form of this order |
| <input checked="" type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document |
| Other Party: _____ | |
| <input type="checkbox"/> approved the form of this order | <input type="checkbox"/> disapproved the form of this order |
| <input type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document |

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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USACM Trust

Marlton Square 2nd Loan

Multiple Loan Claims

| Claim | Date Claim was Filed | Name | Address | Total Claim Amount | Approximate Amount Subject to Objection Because it Relates to an Investment In the Marlton Square 2nd Loan |
|---------------|----------------------|--|---|--------------------|--|
| 10725-01213 | 11/10/2006 | Peter Valve Company Inc | 2800 Wrondel Way Ste A Reno, NV 89502-4297 | 100,000.00 | 25,000.00 |
| 10725-01213-2 | 11/10/2006 | Peter Valve Company Inc | 2800 Wrondel Way Ste A Reno, NV 89502-4297 | 100,000.00 | 25,000.00 |
| 10725-00245 | 9/26/2006 | Robert H & Lynn R Perlman Trust Dated 9/17/92 | C/O Robert H & Lynn R Perlman Ttees 2877 Paradise Rd Unit 3501 Las Vegas, NV 89109-5278 | 1,187,000.00 | 50,000.00 |
| 10725-02149 | 1/12/2007 | Schnitzer Living Trust Dtd 10/24/91 | Arthur F & Linn S Schnitzer Ttees 20155 NE 38Th Ct, #1604 Aventura, FL 33180 | 3,549,806.80 | 200,000.00 |
| 10725-02135 | 1/11/2007 | Schoonover Family Trust Dated 2/23/04 | Edward L & Susan A Schoonover Co-Ttees 2841 S. Alderwood Circle Mesa, AZ 85212-2930 | 269,449.00 | 25,000.00 |
| 10725-02428 | 1/12/2007 | Tiki Investment Enterprises Lp | 2578 Highmore Ave Henderson, NV 89052 | 2,400,256.00 | 100,000.00 |
| 10725-02481 | 6/4/2007 | Tobias Von Euw Revocable | Trust Dated 11/23/04 C/O Tobias Von Euw Trustee Sun City Aliante 7431 Lintwhite St North Las Vegas, NV 89084-2500 | 1,468,967.93 | 40,000.00 |
| 10725-02416 | 1/22/2007 | Topp, Gerry | Po Box 3008 Grass Valley, CA 95945 | 521,406.20 | 25,000.00 |
| 10725-01365 | 11/13/2006 | Vrbancic, Richard G | 103 Willow Brook Dr Ne Warren, OH 44483-4630 | 270,000.00 | 30,000.00 |
| 10725-00152 | 8/14/2006 | Walker, Linda M | 3710 Clover Way Reno, NV 89509 | 101,500.00 | 25,000.00 |
| 10725-02367 | 1/16/2007 | Whitman Trust Dtd 12/01/04 | C/O H Daniel Whitman Ttee PO Box 10200 Zephyr Cove, NV 89448-2200 | 406,413.64 | 25,000.00 |

EXHIBIT A

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